

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DANA JARVIS, et al.,

Defendants.

05 OCT -7 PM 3:52

CLERK NO. 05-1849-JH

MOTION FOR EXTENSION OF TIME TO FILE MOTIONS

COMES NOW Defendant Geno Berthod, by and through his attorney of record Martin Lopez, III, P.C. (Martin Lopez, III) and hereby moves the Court for an Order granting an extension of time in which to file motions in the above-styled cause.

AS GROUNDS, Defendant Geno Berthod would state as follows:

1. Counsel for Defendant was appointed by the Court on September 19, 2005.
2. The time limit in which to file motions in this matter is October 10, 2005.
3. Counsel for Defendant has recently received discovery in this matter.
4. Counsel for Defendant requests additional time to review and discuss the information with his client regarding what motions, if any, should be filed.
5. Defendant Geno Berthod is charged in a twenty-six count Indictment with twenty other defendants.
6. The ends of justice are best served by granting this extension.
7. Without the requested extension a miscarriage of justice will result.
8. Defendant Geno Berthod waives the time limits as set forth within the Speedy Trial Act, 18 U.S.C. § 3161(c)(1) and the Sixth Amendment of the United States Constitution in making this request.
9. Counsel seeks an extension of time in which to file motions until November 10, 2005.
10. Counsel contacted Assistant U.S. Attorney James Braun regarding his concurrence

and he does not oppose this motion.

WHEREFORE, counsel respectfully requests that the Court grant an extension of time in which to file motions until November 10, 2005:

Respectfully submitted,

MARTIN LOPEZ, III
A Professional Corporation



Martin Lopez, III
Attorney for Defendant Geno Berthod
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Albuquerque, New Mexico 87104
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I HEREBY CERTIFY that a true and correct copy of the foregoing was forwarded to Assistant U.S. Attorney, James Braun via facsimile on this 7th day of October, 2005.



Martin Lopez, III